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I would like to begin by thanking Senator Jones and the other members of the committee for giving us the opportunity to testify at this hearing. We believe that the experience I am about to describe highlights some serious weaknesses in Michigan's child protection system, and we are very grateful to you for considering legislation designed to address those deficiencies.

Just over three years ago, on April 5, 2008, I took my son, Leo, on a daylong outing first to the Detroit Zoo, and then to a Tiger's game at Comerica Park. At a concession stand on the way in, I bought him a lemonade, not realizing that it was an alcoholic drink: Mike's hard lemonade. The sign above the concession stand said only "Mike's Lemonade;" I was not familiar with this brand; and I did not examine the label in the rush to get to our seats on time.

Toward the end of the game, I was approached by a security guard, who asked me if I had given Leo the lemonade to drink, and if I knew that it was alcoholic. I said that yes, I had given it to Leo, but that no, I had no idea that it was alcoholic. Two other guards arrived, and they escorted us to a police substation for questioning. I told my story to the police officer present, explaining that I had intended to buy my son a non-alcoholic lemonade, and had purchased an alcoholic lemonade by mistake.

The police officer decided that Leo should be checked by the medical staff at the Comerica Park clinic. When we arrived at the clinic, Leo was given a cursory examination by two nurses, who checked his blood pressure and his blood sugar. The doctor in charge did not examine Leo, but she did question him and me, and recommended Leo be taken to Children's hospital for further examination. We were subsequently transported to the hospital by ambulance.

I called Claire, my wife, from the ambulance to tell her what had happened, and to ask her to come to Detroit right away. I was obviously concerned that I had inadvertently given Leo an alcoholic drink, but by this time, I had also begun to realize that the policeman at Comerica Park thought that I was lying, and I was concerned about the ramifications of that as well. At the same time, I was reassured by the nurse from Comerica Park who accompanied us in the ambulance, who said it was clear that this was all a mistake, and that everything would be fine once it was certain that Leo had not suffered any ill effects.

At the hospital we were met by medical personnel, and by another police officer. We were taken to an examination room, where Leo was examined by a resident, who looked at his pupils, and put him through a series of routines such as touching his fingers to his nose, and so on. The resident said she thought he looked fine, but that they would have to take blood to test his blood alcohol.

I was then taken into a separate room and questioned by the hospital police officer. I tried again to describe what had happened as clearly as possible, explaining that I had not realized that the lemonade I had bought for Leo contained alcohol. The

Duquette's intervention was a compromise solution reached. Leo was allowed to return home to the care of my wife on the condition that I remove myself from the premises. The hearing was adjourned until Thursday the 10th, when the case was finally dismissed.

Since then, I have made formal requests to both the CPS Ombudsman and the State Court Administrative Office to open investigations of our case, but to no avail – although I do want to take this opportunity to voice my public appreciation for the care with which Tobin Miller of DHS and Dan Wright of the SCAO have considered our requests. Meanwhile, as you know, Don Duquette has been working behind the scenes to help find a legislative solution to some of the problems our experience raised, and the Michigan ACLU has filed a constitutional lawsuit on our behalf.

Claire and I are very conscious of the fact that in the normal course of events, given that Leo was taken from us on a weekend, so that a CPS caseworker was only assigned to him on the same day as the preliminary hearing, our son would have spent another seven full days in foster care. For most people, who cannot call a distinguished lawyer such as Don Duquette at nine o'clock on a Sunday morning, the consequences would have been much worse than they were for us. And our experience leads us to suspect that there are probably many other cases such as ours, in which the state takes the most serious action imaginable against a parent – removal of a child from his or her care – only to conclude days, weeks, or months later that this action was not necessary.

We understand that the state must have the right to take children away from their parents under certain circumstances. But we hope that something will be done to ensure that greater care is taken in the exercise of that right in the state of Michigan. The legislation that I understand you are planning to introduce will go a long way toward that goal, and I am very grateful to you for your willingness to take this matter on.

We would like to do what we can to see to it that other children do not have to have the same kind of experience as our son. And common sense would suggest that all the time and resources spent on cases such as ours detract from the state's ability to protect children in greater need. I have never denied, mistakenly, buying my son an alcoholic lemonade. Once this had been drawn to the attention of security personnel and the police, of course it was necessary for to investigate. I have told our story to you at such length in order to make it clear that a number of people we encountered on that day, including experienced medical personnel, believed me when I told them that I did not know that the lemonade I had bought for Leo was alcoholic, and to make it clear that there were a number of points at which the authorities could have decided to take a different course of action, for example, to release Leo to Claire pending further investigation.

police officer wrote down my account, and after reading it over, I signed it and returned to Leo's room.

About an hour later, the police officer took me aside, and said that although it was clear to her that what had happened was an accident, her superior had nevertheless decided that Leo would have to be transferred to Children's Protective Services. She said that she could not release him to Claire, my wife, because we still married and living together. I asked if it would be possible to release him to a close relative, and she said that yes, in that case, CPS will keep Leo until my relatives arrived, and then release him into their custody. I then called my sister, Catherine, who lives in Massachusetts, and she and my other sister, Felicity, who lives in Vermont, promptly piled into Catherine's car in order to drive through the night to Detroit. Incidentally, Catherine has a degree in social work and is an adoptive parent.

The decision to remove Leo from our custody was taken, I believe, before the results of the medical tests had been returned, showing that Leo had no alcohol in his blood. The social worker at the hospital later told us that the hospital personnel were "not in agreement with what transpired."

Shortly afterward, Claire arrived, which was a great comfort to Leo, who was by now quite exhausted, and who promptly fell asleep in the examination room. Just after midnight, two CPS case officers came to take Leo into custody. I spoke with them at length, and although they were initially skeptical that I could have purchased alcoholic lemonade accidentally, they quickly came to accept my account. One of them said "this is all so unnecessary," and they speculated as to the identity of the hospital police officer's superior. We discussed the possibility of Leo staying at the hospital until my sisters arrived, and then being handed over to them. This solution was acceptable both to the attending physician and to the CPS case officers, but it was vetoed by their superiors at CPS.

I carried Leo to the CPS case officers' car, followed them to the CPS office on Russell Street, then carried Leo into the office and settled him on a couch. Claire and I told him that he would be spending the night there, and that his aunts would pick him up in the morning. He was upset and in tears, but not inconsolable. We left the room to talk with the supervisor in charge, and that was the last we saw of Leo for the next two days.

To make the rest of this long story short, my sisters were turned away when they showed up at about 7:45 Sunday morning, and in spite of repeated telephone appeals both by Claire and me and by Don Duquette, Leo was placed in foster care. On Monday, we had a preliminary hearing at Juvenile court, where we had every expectation that our case would be dismissed. But because the CPS caseworker assigned to it had only received her assignment that morning, she recommended to the referee that the hearing be adjourned until she had completed her investigation. The referee was on the verge of deciding to hold the case over for another week, during which time our son would have remained in foster care. Only through Don

Of course it is better, within reason, to be safe than sorry. If the legislation that you are considering helps officers of the state to make more reasonable decisions about child welfare, then everyone will benefit.